

SUMMARY OF VIOLATIONS

On May 27 & 28, June 1, 2 & 3, 2004, the Department of Toxic Substances Control (DTSC), California Environmental Protection Agency, conducted an inspection at:

Facility Name: Lawrence Livermore National Laboratory (LLNL)

Facility Address: 7000 East Avenue, Livermore, California

EPA ID Number: CA2 890 012 584

County Name: Alameda County

As a result of this inspection, the violations of hazardous waste laws, regulations, and requirements listed on the attached pages were discovered. All violations must be corrected; the actions you must take to correct the violations are listed with each violation. If you disagree with any of the violations or proposed corrective actions listed in this Summary of Violations, you should inform DTSC.

DTSC will mail you an inspection report within 65 days of the date of this inspection. You may request a meeting with DTSC to discuss the inspection, inspection report, or the Summary of Violations. The issuance of this Summary of Violations does not preclude DTSC from taking administrative, civil, or criminal action as a result of the violations noted in the Summary of Violations or violations that have not been corrected within the time provided. A false statement that compliance has been achieved is a violation of the law and punishable by a fine of not less than \$2,000 or more than \$25,000 for each occurrence. DTSC may re-inspect this facility at any time.

Company Representative Accepting Summary Department Representative

Name: C. Susi Jackson

Name: Luz T. Castillo

Title: Division Leader

Title: Senior Hazardous Subst. Scientist

Signature: Original signed by C. Susi Jackson Signature: Original signed by C. Susi Jackson

Date: 7/19/04

Date: 7/19/04

SUMMARY OF VIOLATIONS

Facility Name: Lawrence Livermore National Laboratory **Date:** July 19, 2004

Treatment of Hazardous Waste in an Unauthorized Unit

1. LLNL violated Health and Safety Code, section 25202 (a) and California Code of Regulations, title 22, section 66270.30(a), 66270.30 (l)(2) and 66270.42(b) and Hazardous Waste Facility Permit (HWFP), Part IV.19., in that since on or about May 4, 2004, LLNL has been using a stainless steel metal pan/sorting table, an unauthorized treatment unit, in B695 Airlock (Room 1027), to physically segregate/sort mixed wastes prior to introduction into the debris washer.

The approved Operation Plan for the Debris Washer did not include the use of a sorting table/pan for segregating hazardous wastes prohibited from debris washing. The hazardous waste items for debris washing are slid off the metal pan into the debris washer box for processing. The items prohibited from washing are repackaged into new containers.

Corrective Action

Effective immediately, LLNL shall cease the use of the sorting table/pan until a permit modification authorizing its use is granted by DTSC.

Commingling Incompatible Wastes in the Same Container

2. LLNL violated California Code of Regulations, title 22, section 66265.177 (a), in that on or about February 20, 2004, a Laboratory Researcher in Building 235, placed hazardous waste solvents (methanol, ethanol, acetone and water) and 70 % nitric acid, in a 5-gallon poly container, causing the incompatible wastes to react and generate nitrous oxide gases.

Corrective Action

LLNL shall ensure that incompatible hazardous wastes such as organic solvent mixtures and concentrated acid mixtures, are managed separately in appropriate containers.

In addition, LLNL shall submit to DTSC procedures and additional training that have been implemented in all areas at the facility (generator and permitted), to avoid the occurrence of the same incident in the future.

SUMMARY OF VIOLATIONS

Facility Name: Lawrence Livermore National Laboratory

Date: July 19, 2004

SECTION II: CLASS II VIOLATIONS/REQUIRED CORRECTIVE ACTION

(Class II Violations not considered Minor Violations)

You must correct the following violation(s) within five days. Within five working days of achieving compliance, you are required to sign the certification below, and return it to DTSC at: 700 Heinz Avenue, Suite 200, Berkeley, California 94710.

Failure To Comply With Labeling Requirements

1. LLNL violated Health and Safety Code, section 25202(a), California Code of Regulations, title 22, section 66270.30 (a) and HWFP Part 11. (a) in that, LLNL failed to comply with the container labeling requirements, to wit:
 - a. On or about May 27, 2004 at Area 612-5, two (2) boxes, Q00025730 and Q00022515 containing mixed wastes (spent inorganic solid legacy wastes contaminated with trichloroethylene, methylene chloride and toluene, EPA waste codes F002 and F005) were labeled as hazardous wastes.

LLNL changed the mixed waste labels to hazardous waste on 5/24/04 for proposed shipment on 5/25/04 which was postponed. LLNL indicated that the original labels were mixed waste labels but were changed to hazardous waste, since the radioactive components in the wastes were not regulated as radioactive per DOT regulation.

Corrective Action

The wastes were shipped as hazardous waste to Envirocare of Utah on June 9, 2004, manifest no. 23442414.

Although no further submittal is required on the above violation, LLNL shall ensure compliance with HWFP, Part IV.11.(a), in that LLNL shall maintain original generator information on all containers of hazardous/mixed wastes, until such time the waste is shipped from the Permittee's hazardous waste management unit to an off-site treatment or disposal facility.

- b. On or about May 28, 2004 at Area 612-2, the date of acceptance at the hazardous waste management unit was not marked on the label of a 5-gallon container

Summary of Violations

(Q00088265) of mixed waste aqueous acid solution, corrosive, (EPA waste codes D002, D005, D006, D007, D008, D009, D011, D019, D022, D028, D029).

A review of the Container Tracking History of Q00088265 indicated that the waste was received at Area 612-2A on April 1, 2004.

Corrective Action

Effective immediately, LLNL shall mark the acceptance date on the container label of Q00088265, as required.

- c. On or about May 27, 2004, at Building 695's Reactive Waste Processing Area (Room 1023), mixed waste bottles and bags contaminated with beryllium (observed under an Acid Fume Hood), had a label marked 5/25/04, the date the waste was removed from container Q00038480/W130110, instead of the original TSDF acceptance date of 9/27/98 on the container.

The mixed waste bags and plastic bottles were removed as LLNL personnel were sorting through the wastes on a stainless steel table to separate debris for treatment into the debris washer located in Room 1036.

Corrective Action

Effective immediately, LLNL shall replace the 5/25/04 date on the label of the plastic bottles and bags contaminated with beryllium, to the original acceptance date of 9/27/98.

Failure to Follow the Waste Analysis Plan

2. LLNL violated Health and Safety Code, section 25202(a), California Code of Regulations, title 22, section 66270.30 (a) and HWFP Part IV.5. (a) and (d), Operation Plan, Volume 4, section 3.2., in that on or about May 28, 2004, in Area 612-2, containers of hazardous mixed waste aqueous acid solution, toxic, corrosive wastes, Q00072881 (5 gal.) and Q00072880 (30 gal.) were accompanied with the incorrect Waste Disposal Requisitions(WDRs).

Containers Q00072881 was accompanied with WDR W240645 and Q00072880 was accompanied with WDR W240644; the WDRs on the containers were switched. The two containers, approximately 6 feet away, were located in different rows. A review of the Container Contents Report for the two containers showed that the wastes were from the same waste stream, TSDF waste profile no. SJ97-0064.

Corrective Action

The correct WDR for each container was found by DTSC during the inspection, and handed to LLNL for placement in the WDR plastic pouch provided for the containers.

Summary of Violations

No further action is required. However, LLNL shall ensure that a correct and completely completed WDR accompanies each container, as indicated in the approved Operation Plan.

Failure to Accurately Record Observations in an Inspection Log

3. LLNL violated California Code of Regulations, title 22, section 66264.15 (b)(1) and (d) in that on or about May 28, 2004, the facility failed to accurately record observations noted during an inspection, to wit:
 - a. The presence of rainwater (at least 4 inches) in a sump located on the east side of Container Storage Area 612-2, and in Area 612, Tank Trailer Storage Unit (at least 6 inches at the lowest point) was not noted in the Daily Log. The inspection log completed on 5/28/04 at 8:00 a.m. had indicated that rainwater that has accumulated in the permitted secondary containment has been removed within 24 hours.
 - b. The presence of wet spots and liquid (from a leaking tent roof in Areas 612- 1A and 612-1-B) were not recorded in the inspection log.

Corrective Action

LLNL shall ensure that observations during an inspection shall be accurately recorded in the inspection log.

I certify under penalty of law that the above corrective actions have been taken and the violations have been corrected. I am aware that there are significant penalties for submitting false information.

Signature

Date

Title

Facility Name: Lawrence Livermore National Laboratory **Date:** July 19, 2004

SECTION III: MINOR VIOLATIONS/REQUIRED CORRECTIVE ACTION

You must correct the following violation(s) within 5 days. Within five working days of achieving compliance, you are required to sign the certification below, and return it to DTSC at: 700 Heinz Avenue, Suite 200, Berkeley, California 94710

Failure to Follow a Written Inspection Schedule at Building 233

1. LLNL violated California Code of Regulations, title 22, section 66265.15 (b)(1) in that on or about May 12, 19 and 26, 2004, LLNL failed to follow the weekly inspection schedule at Building 233 by terminating the weekly scheduled inspection at Building 233. The last weekly inspection was conducted on May 5, 2004.

Corrective Action

On or about June 11, 2004, LLNL submitted a letter to DTSC requesting a reduction in the inspection frequency from weekly to monthly.

No further submittal is required. Compliance will be verified on the next inspection.

I certify under penalty of law that the above corrective actions have been taken and the violations have been corrected. I am aware that there are significant penalties for submitting false information.

Signature

Date

Title _____

ADDITIONAL DOCUMENTS BEING REVIEWED

The review of additional documents such as: training records and operating records has not been completed. DTSC's findings as a result of the review will be included in the inspection report that will be sent to the facility.